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QUINE INTELLECTUAL PROPERTY LAW GROUP, P.C.

By:


Chianti Appling

Atty Docket No: 407T-899210US
Client Ref: 2000-283-2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

ALAN M. FOGELMAN and MOHAMAD NAVAB

Application No.: **09/994,227**

Filed: **11/26/2001**

For: **SYNTHETIC PHOSPHOLIPIDS TO AMELIORATE ATHEROSCLEROSIS AND OTHER INFLAMMATORY CONDITIONS**

Examiner: Charles J. Theodore

Art Unit: 1617

RESPONSE TO RESTRICTION REQUIREMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

This paper is filed in response to the Office Action dated July 18, 2003 containing a Restriction Requirement. The following documents are enclosed herewith:

- 1) A petition to extend the period of response for three months.

REMARKS

In the July 18, 2003 Office Action the Examiner required restriction to one of the following Species under 35 U.S.C. §121:

- Species A: Claims 1-12, 14, and 15, drawn to ameliorating symptoms of atherosclerosis by administering a phospholipid;
- Species B: Claim 13, drawn to ameliorating symptoms of atherosclerosis by administering a phospholipid and a statin;

- Species C: Claims 16-27, drawn to a method of mitigating or preventing a coronary complication associated with an acute phase response to inflammation in a mammal by administering a phospholipid;
- Species D: Claims 28-41, drawn to a method of mitigating or preventing a coronary complication associated with a acute phase response in a mammal, wherein the coronary complication is a symptom of atherosclerosis comprising assaying the mammal for an acute phase protein (APP) level;
- Species E: Claims 42-51, drawn to a method of inhibiting a symptom of inflammatory condition by administering a phospholipid; and
- Species F: Claims 67-81, drawn to method of repairing tissue damage.

In response to this restriction requirement, Applicants provisionally elect Species A, claims 1-12, 14, and 15.

Applicants note that this restriction is an **election of species**. The Examiner is respectfully reminded that if there is a generic claim, the Examiner is to include "a complete action on the merits of all the claims readable on the elected species" MPEP 809.02(c). In addition, to the extent all species fall within the limitations of a generic claim ultimately determined to be patentable the non-elected species should no longer be deemed to be withdrawn and claims to the additional non-elected species should be considered by the Examiner.

Applicant's further note that the following claims are readable on elected species A: Claims 1-15. Accordingly, it is Applicants understanding that in accordance with MPEP §809.02(c) these claims will be examined with respect to the initially elected species.

If a telephone conference would expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (510) 769-3513.

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Respectfully submitted,



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